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APPLICATION NO.	FILING DATE	~ FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,080	01/14/2002	John W. Babcock		5351

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John W. Babcock
510 South 7500 East
Huntsville, UT 84317

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/047,080

Applicant(s)

BABCOCK, JOHN W.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 70-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Below are but a few examples of the numerous ambiguities in the claims. Applicant should closely review all of the claims and the claims should be written in accordance with U.S. practice so that all the elements and/or method steps are positively set forth.

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Note that the Examiner has included what is believed to be relevant prior art in order to provide the inventor with an indication of closely related art.

Drawings

2. The Figures are not in a numerically sequential order, since they go from Fig 5 to Fig 524 to Fig. 498 to Fig. 499 to Fig. 6, etc. The drawings and specification should be corrected to reflect a sequential order.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "panel 203" as described on page 47 of the specification, which refers to "panel 203" in Figure 506. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 70-108 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 70 recites the limitation "T-shaped vertical stems" in line 25, which is unclear if this is different from the "shaped vertical tee stems" in line 27. It is also unclear if the "shaped vertical tee stems" in line 27 are the same "shaped vertical tee

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stems” as recited in line 1 (page 60); in lines 24-26, it is unclear if the “T-shaped vertical stems” are “included” with the wall panels are foundation tees; the recitation of “the foundation tee stems” in line 29 is unclear since only “foundation tees” was previously set forth and not “foundation tee stems”; it is unclear if the “T-shaped vertical tee stems” recited in line 32 is the same as the “T-shaped vertical stems” recited in line 25; the reference to “each tee” in line 31 should be more specific for clarity; the recitation of “said base tee stems” in line 8 is unclear since a base tee stem was not previously set forth in that terminology. Appropriate corrections are required.

7. Claims 73, 76, and 77 recite the limitation “said wall tees” and it is unclear exactly which component this is since “wall tees” were not previously set forth in claim 70 by that exact term. Appropriate correction is required.

8. Claim 74 recites the limitation “said tee wall panels”, which is unclear since a “tee wall panel” was not previously claimed in claim 70 with that exact terminology.

Appropriate correction is required.

9. Claim 75 recites the limitation “said wall tee members”, which is unclear since a “wall tee member” was not previously claim in claim 70 with that exact terminology.

Appropriate correction is required.

10. Claim 75 recites the limitation “said wall tee stems”, which is unclear since a “wall tee stem” was not previously claimed in claim 70 with that exact terminology.

Appropriate correction is required.

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11. Claims 79 and 80 recite the limitation "said threaded extension sdb's", which is unclear since this exact terminology was not previously claimed in claim 70.

Appropriate correction is required.

12. Claim 80 recites the limitation "said wall stem", which is unclear since this exact terminology was not previously claim in claim 70; "said foundation stem" is vague since the exact terminology wasn't set forth in claim 70. Appropriate correction is required.

13. Claim 81 recites the limitation "said wall stem void", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

14. Claims 82, 83, 85, and 86 recite the limitation "said high strength steel threadbars", "said wall stem", and "said foundation stem", which are unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

15. Claim 84 recites the limitation "said wall stem", which is unclear since this exact terminology was not previously claimed in claim 70; it appears that "stem" in line 15 should be "stems". Appropriate correction is required.

16. Claim 87 recites the limitation "said wall tees", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

17. Claim 88 recites the limitation "said wall tee stem", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

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18. Claim 90 recites the limitation "said shear key", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

19. Claim 92 recites the limitation "said wall tees faces", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

20. Claim 93 recites the limitation "said wall tees" is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

21. Claim 94 recites the limitations "said wall tees" and "said threaded end extension sdb's", which are unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

22. Claim 95 recites the limitation "said tee wall assemblies", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

23. Claim 96 recites the limitation "said wall tees", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

24. Claim 97 recites the limitation "said plates", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

25. Claim 98 recites the limitation "said deadmen", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

26. Claim 99 recites the limitation "said foundation tee base", which is unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

27. Claim 100 recites the limitations "said foundation tee base shape" and "said vertically disposed tee wall panel", which are unclear since this exact terminology was not previously claimed in claim 70. Appropriate correction is required.

28. Claims 102 and 103 recite the limitation "said opposing wall panels", which is unclear since this only "wall panels" were set forth in claim 70. Appropriate correction is required.

29. Claims 104 and 105 recite the limitation "said wall tees", which is unclear since this exact terminology was not previously claim in claim 70. Appropriate correction is required.

30. Claim 106 recites the limitation "said opposing wall panel", which is unclear since this only "wall panels" were set forth in claim 70; the claim lacks a period at the end. Appropriate correction is required.

31. Claim 107 recites the limitations "said lower opposing wall panel" and "said extension tee foundation", which are unclear since such terminology was not set forth in claim 70. Appropriate correction is required.

32. Claim 108 recites the limitations "said lower and said upper wall panels" and "said extended tee foundation", which are unclear since such claim language was not set forth in claim 70. Appropriate correction is required.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
9/3/03